

REMARKS

Reconsideration and withdrawal of the restriction requirement as to claims 98 and 101 is requested for the reasons set forth below.

Claims 78-105 are pending in this application. Claims 78-97, 99, 100 and 102-105 were allowed. Applicants would like to thank the Examiner for this allowance. By this Amendment, claims 98 and 101 have been rejoined and claim 98 amended to conform to the present version of claim 78. No new matter has been added.

I. Restriction/Election and Rejoinder

With respect to the Examiner's restriction of claims 98 and 101, Applicants respectfully submit that method claim 101 is dependent upon method claim 98, which itself is dependent upon elected – and now allowed -- product claim 78. Both method claims 98 and 101 should thus be rejoined. As set forth in the MPEP:

Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. 121 to elect claims to either the product or process. See MPEP 806.05(f) and 806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR 1.142. See MPEP 809.02(c) and 821 through 821.03. **However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined. (emphasis added)**

MPEP 821.04.

Method claim 98, as amended, includes all of the limitations of allowed product claim 78, and as noted, method claim 101 includes all of the limitations of claim 98 inasmuch as it is dependent upon it. Accordingly, Applicants respectfully request that claims 98 and 101 be

rejoined, pursuant to MPEP 821.04, with the elected product claims given the fact that said product claims have been now found to be allowable.

II. Oath/Declaration

As noted in previous papers filed in this application, contrary to the Examiner's suggestion, a new oath or declaration does not appear to be required. Nonetheless, to expedite prosecution of the application, Applicants enclose a new declaration, reciting only the priority claim to Application Serial No. 08/988,137, now U.S. Patent No. 6,319,170.

III. Conclusion

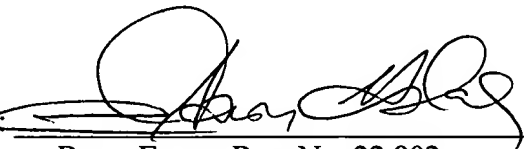
In view of the arguments, comments and remarks provided herein, withdrawal of the restriction requirement as to claims 98 (as amended) and 101 and their rejoinder to the allowed product claims is earnestly solicited. Inasmuch as the sole remaining issues have been addressed, favorable reconsideration of the application and prompt issuance of a Notice of Allowance is respectfully requested.

Additionally, if the Examiner believes that there are any issues still pending which present an impediment to allowance, it is respectfully requested that the undersigned be contacted by telephone and be afforded the opportunity to conduct a telephonic interview, which should be able to summarily solve any such impediments.

No additional fees are believed necessary for entry and consideration of this Amendment. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 50-0540.

Respectfully submitted,

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